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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,907	11/23/2001	Gordon Danby	FON 108	4160

7590 11/24/2003

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EXAMINER

ROJAS, BERNARD

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/998,907	DANBY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bernard Rojas	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-130 is/are pending in the application.  
     4a) Of the above claim(s) 1-21, 48-85 and 116-130 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-27 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 28-36, 44-47 and 86-106 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-21, 48-85 and 116-130 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10202003.

### ***Drawings***

New corrected drawings are required in this application because the labeling of the figures require clarification. In addition figure 15 is blurry making it difficult to understand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26 and 27 recite the limitation "the first and second pluralities of bricks". There is insufficient antecedent basis for this limitation in the claim. It is unclear as to where these bricks are located. For purposes of this Office Action, the pluralities of bricks will be party of the permanent magnet mass.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-27, 37-43 rejected under 35 U.S.C. 102(e) as being anticipated by Zuk et al. [US 6,600,401].

Claim 22, a magnet structure with, a first permanent magnet mass [2], a first pole, having a first pole face [24a] and disposed on the first permanent magnet mass, a second permanent magnet mass [4], a second pole, having a second pole face [24a] and disposed on the second permanent magnet mass, a frame [3] connecting the first permanent magnet mass to the second permanent magnet mass, such that the first pole face is substantially opposite and facing the second pole face to define a magnetic field volume [18] in a gap located between the first pole face and the second pole face.

Claim 23, the magnetic fields produced by the first and second permanent magnet masses are directed toward the respective pole face [figure 8, col. 15 lines 29-52].

Claim 26, the first and second pluralities of bricks [2a, 4a] have geometries that allow a magnetic field direction for each brick to be selected by physical arrangement of the brick [figure 11].

Claim 27, the first and second pluralities of bricks [2a, 4a] are arranged so that a cumulative effect of individual field direction of the bricks is a magnetic field directed toward the respective pole face [figure 11].

Claim 40, the first and second permanent magnetic masses include discrete magnetic elements [24].

Claim 24, the discrete magnetic elements are respective first and second pluralities of bricks made of magnetic material [figure 11].

Claim 25, the first and second pluralities of bricks are made of magnetic material selected from a group consisting of rare earth metals [Nd, col. 13 lines 5-10].

Claim 37, each said permanent magnetic mass includes a main magnetic mass providing a main magnetic field in a first direction [4a], and a focusing magnetic mass providing a main magnetic field in a second direction [4b].

Claim 38, the first direction is normal to a plane generally defined by a shape of the pole face, and where the second direction is parallel to the plane generally defined by a shape of the pole face.

Claim 39, the magnetic mass includes magnetic material selected from a group consisting of rare earth metals [Nd, col. 13 lines 5-10].

Claim 41, the discrete magnetic elements include magnetic material selected from a group consisting of rare earth metals [Nd, col. 13 lines 5-10].

Claim 42, a selectable orientation of each said discrete magnetic element determines a direction of the magnetic field produced by said discrete magnetic element.

Claim 43, the orientation of each said discrete magnetic element is selected to direct a cumulative magnetic field produced by the discrete magnetic elements toward the respective pole face [figure 11].

#### ***Allowable Subject Matter***

Claims 28-36, 44-47, 86-106 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (703) 305-3873. The examiner can normally be reached on M-F (7-4:30), every other Friday off.

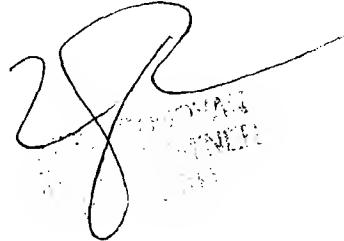
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Br

A handwritten signature in black ink, appearing to be 'ZP', with a large loop and a long horizontal stroke extending to the right. Below the signature is a faint, rectangular stamp with illegible text.